

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOSEPH PIESCIUK,	:	NO. 1:07-CV-00637
	:	
Petitioner,	:	
	:	
vs.	:	ORDER
	:	
WARDEN, MANSFIELD CORRECTIONAL:	:	
INSTITUTION,	:	
	:	
Respondent.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation (docs. 69), to which there were no objections.

Proper Notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation thorough, well-reasoned, and correct. The Court notes that the Magistrate Judge determined that the Butler County Court of Appeals has granted Petitioner the mandamus that Petitioner sought. As such, the Magistrate Judge noted that this

mixed Petition should be dismissed without prejudice to Petitioner's filing a complete Petition once exhaustion has occurred.

Accordingly, the Court hereby ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 69) in all respects, and DISMISSES Petitioner's Petition (doc. 2) WITHOUT PREJUDICE.

SO ORDERED.

DATED: August 22, 2012 /s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge